

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCIA L. KILLEBREW,

Plaintiff,

v.

CIVIL CASE NO. 05-40209

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

COMMISSIONER OF SOCIAL SECURITY,

Defendants.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATIONS

Before the Court are Plaintiff's motion for summary judgment, filed October 18, 2005 and Defendant's motion for summary judgment, filed November 8, 2005. Also before the Court is the report and recommendation of the Honorable Wallace Capel Jr., United States Magistrate Judge. The Magistrate Judge recommends that this Court deny Plaintiff's motion for summary judgment¹ and grant Defendant's motion for summary judgment. The Magistrate Judge served the report and recommendation on all parties on June 2, 2006 and notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendations.

The Court's standard of review for a Magistrate Judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation,

¹This Court notes that Magistrate Judge Capel's report and recommendation terms Plaintiff's October 18, 2006, motion a "Motion to Dismiss Summary Judgment." A review of the title and substance of the hand-written motion reveals it is in fact, a "Motion for Summary Judgment." To the extent necessary, this Court modifies the report and recommendation to reflect this error.

the Court does not need to conduct a review by any standard. See *Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the report and recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the report and recommendation [docket entry 12] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff’s motion for summary judgment [docket entry 9] is **DENIED**.

IT IS FURTHER ORDERED that Defendant’s motion for summary judgment [docket entry 11] is **GRANTED**.

SO ORDERED.

Dated: June 26, 2006

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 27, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Janet L. Parker, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Marcia Killebrew.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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